

Julibert Antigua
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RECEIVED

JUL 12 2012

CHAMBERS OF
HONORABLE SUSAN D. WIGENTON

July 11, 2012

VIA FedEx EXPRESS MAIL
Honorable Susan D. Wigenton
United States District Judge
Martin Luther King, Jr. Federal Building & Courthouse
50 Walnut Street
Newark, New Jersey 07102

✓ 11-6082

RE: United States V. Noel Antigua-Diaz
Crim. No. 08-454 (SDW)

Dear Judge Wigenton:

Your honor, I'm Julibert Antigua, a citizen of the United States of America and sibling of the pursuant Noel Antigua-Diaz. The reason of this letter is to respectfully request status on Noel's behalf on his motion to re-open and put aside judgment based on ineffective counsel in his criminal case 08-454 (SDW). Noel Antigua-Diaz, was arrested and charged for the offense of conspiracy to distribute controlled substance, and entered in a plea bargain arranged by the counsel Mark Musella, Esq. According to Noel, his attorney Mark Musella did not inform or explain the consequences that pleading guilty would have on his immigration status and the fact that he could be removed from the United States.

In October 2011, Noel submitted a motion to re-open his criminal case under the United States Supreme Court decision in *Padilla v. Kentucky* 2010 and U.S, Lexis 2928 (2010). Since then, Noel and family have been waiting for a definite answer on whether the case can be re-opened. We were informed by the District Attorney Matthew Beck that he was going to dismiss the case and let your honor make this decision. I called the court on June 12 and was informed that your honor was going to review the papers on July 2nd and make the final decision. I have been calling the court clerk every day but have been told that there is no answer recorded yet.

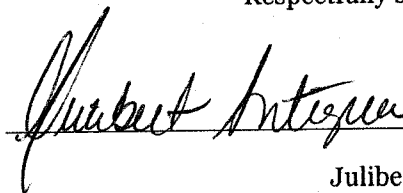
Your honor, my brother Noel has expressed his remorse. He truly regrets being in this predicament and understands the cost of his actions. Unfortunately, he cannot go back in time and correct those mistakes but wishes he can have a second chance. Currently, Noel is facing deportation and has been detained by ICE for about 11 months after he completed his sentence. Noel's family and kids are suffering seeing him in this situation and it would be devastating to us if he is deported. If your honor approves to reopen his case, the deportation will be on hold until he is able to demonstrate that he was not council effectively. I humbly ask if you can give my bother a second chance.

Certificate of Service

I hereby certify that a true and correct copy of this letter was furnished by FedEx Express Mail, this July 11, 2012 to:

Honorable Susan D. Wigenton
United States District Judge
50 Walnut Street Rm. 2015
P.O Box 419
Newark, NJ 07101 - 0419

Respectfully submitted,

A handwritten signature in cursive script, reading "Julibert Antigua", is written over a horizontal line.

Julibert Antigua
259 W 144th Street, Apt 5D
New York, NY 10030